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6 Attorneys for Defendants
7 **AMERICAN GENERAL LIFE INSURANCE COMPANY**
erroneously sued as **AMERICAN GENERAL LIFE COMPANIES,**
and **AMERICAN GENERAL ASSURANCE COMPANY**

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA - SAN DIEGO DIVISION

12 DEBORAH L. ZAPPA, an individual,) Case No. CV08-00319 LAB (NLS)
13 Plaintiff,)
14 v.) DEFENDANTS AMERICAN GENERAL
15 AMERICAN GENERAL LIFE) LIFE INSURANCE COMPANY and
INSURANCE COMPANIES, AMERICAN) AMERICAN GENERAL ASSURANCE
INSURANCE ADMINISTRATORS, and) COMPANY'S REQUEST TO CONTINUE
AMERICAN GENERAL ASSURANCE) THE EARLY SETTLEMENT
COMPANY, and DOES 1 through 20,) CONFERENCE WITH JUDGE NITA
Defendants.) STORMES ON MAY 22, 2008
18)
19) Scheduled Date : May 22, 2008
20) Time : 2:00 pm
Honorable Nita L. Stormes)

21 TO THE HONORABLE NITA STORMES:

22 Defendants AMERICAN GENERAL LIFE INSURANCE COMPANY and AMERICAN
23 GENERAL ASSURANCE COMPANY (“AGLIC & AGAC”) hereby request a brief
24 continuance of the Early Settlement Conference (“ESC”) set for May 22, 2008. The reason for
25 the continuance is because counsel for AGLIC and AGAC has a Motion for Summary Judgment,
26 or in the alternative Summary Adjudication, hearing on May 22, 2008 in Riverside County
27 Superior Court, Indio Courthouse, in the matter of *Sheila Weissberger v. The United States Life*
28 *Insurance Company in the City of New York, et al.*, case number INC 057131.

1 Previously, Defendants AGLIC and AGAC requested a continuance of the April 8 ESC
2 because plaintiff's counsel in *Weissberger* scheduled depositions in Houston and Milwaukee in
3 anticipation of the MSJ hearing on May 22, 2008. The Court graciously granted this extension
4 and moved the ESC to May 15, 2008. When scheduled I had no conflict with this date.

5 Subsequently, the Court moved the ESC date to May 22, 2008 on its own accord and
6 issued an Order so stating.

7 The May 22, 2008 ESC date conflicts with the MSJ hearing in *Weissberger v. US Life*
8 and therefore, counsel for Defendants AGLIC and AGAC seeks a continuance of the ESC to the
9 week following, May 29, or within two weeks thereafter, June 5 or June 12. I have no conflicts
10 during these weeks and my client will be traveling from New York to attend the ESC which
11 requires some lead time given her present schedule.

12 As counsel for AGLIC and AGAC, I declare under penalty of perjury that the foregoing
13 conflict exists, is true and correct, and respectfully request the Court continue the ESC to a date,
14 as requested above, that does not conflict with the previously scheduled MSJ/ MSA hearing in
15 *Weissberger*.

16
17 Dated: April 28, 2008

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

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20 By: 

21 Adrienne C. Publicover

22 Michael K. Brisbin

23 Attorneys for Defendants

24 **AMERICAN GENERAL LIFE INSURANCE
COMPANY** erroneously sued as **AMERICAN
GENERAL LIFE COMPANIES**, and
**AMERICAN GENERAL ASSURANCE
COMPANY**

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PROOF OF SERVICE

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 Market Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s):

**DEFENDANTS AMERICAN GENERAL LIFE INSURANCE COMPANY and
AMERICAN GENERAL ASSURANCE COMPANY'S REQUEST TO
CONTINUE THE EARLY SETTLEMENT CONFERENCE WITH
JUDGE NITA STORMES ON MAY 22, 2008; and
[PROPOSED] ORDER GRANTING DEFENDANTS' REQUEST TO MOVE
THE EARLY SETTLEMENT CONFERENCE**

on the part(y)(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

- ___: **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection and delivery to the addressee(s) below following ordinary business practices.
 - ___: **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.
 - ___: **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.
 - ___: **Facsimile** --(Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)
 - XX:** Per order of the Court I caused service to be accomplished on all parties through **CM/ECF File and Serve** for the Southern District of California:

John Davies Boyle jboyle@cbmlaw.com

Miguel Hernandez m hernandez@cbmlaw.com

Gregory C. Kane gkane@shifflerlaw.com, cturner@shifflerlaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on April 28, 2008 at San Francisco, California.


Joya Yeung